

SPECIAL CITY COUNCIL MEETING

OCTOBER 10, 2006

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ, VICE MAYOR
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
MADISON P. NGUYEN
DAVID D. CORTESE
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

- **Call to Order and Roll Call**
5:15 p.m. - City Hall Committee Rooms, W118-120
Absent Council Members: LeZotte, Nguyen, Yeager; Gonzales.
(Excused)
- **Pledge of Allegiance**
Council Member Campos led the Pledge of Allegiance.

City Council Study Session on the July 2006 Heat Storm and Related Power Failures – 5:00 p.m. – 7:00 p.m.

1. Receive Presentation by the Office of Emergency Services (Kimberly Shunk)

Recommendation: Receive and review a report on the actions taken by the City of San José in response to July's heat storm and resulting power failures.
Received.

2. Receive Presentation by Pacific Gas & Electric (PG&E) (Mary Ellen Ittner and other PG&E Representatives)

Recommendation: Receive and review a report on PG&E's Long Term Plan and Interim Strategy.
Received.

3. Presentation by Volunteer Center of Silicon Valley (CADRE)

Recommendation: Receive Presentation.
Received.

4. Receive Presentation by the Offices of Sally Lieber and Elaine Alquist on the State's Role.

Recommendation: Receive Presentation.
Received.

- **Public Comments**
None were presented.

- **Adjournment**
The Study Session was adjourned at 6:48 p.m.

City Council Special Meeting – 7:00 p.m. – 9:00 p.m.

- Call to Order and Roll Call

7:06 p.m. - City Hall Committee Rooms, W118-120

Absent Council Members: LeZotte, Nguyen; Gonzales. (Excused)

1. **General Election Ballot – Propositions 83 Through 90 Approve City Positions on the November 2006 Statewide.**

Recommendation: That the City Council accept the Rules Committee approval of the recommendations attached concerning Propositions 83 through 90 on the November Statewide General Election Ballot as follows:

<u>Proposition</u>	<u>Recommended City Position</u>
(a) 83: Sex Offenders. Sexually Violent Predators. Punishment. Residence Restrictions and Monitoring. Support Position accepted.	Support
(b) 84: Water Quality. Safety and Supply. Flood Control Natural Resource Protection. Park Improvements. Support Position accepted.	Support
(c) 85: Waiting Period and Parental Notification Before Termination of Minor's Pregnancy. Oppose Position accepted. Noes: Reed.	Oppose
(d) 86: Tax on Cigarettes. Support Position accepted.	Support
(e) 87: Alternative Energy. Research. Production., Incentives. Tax on California Oil Producers. Support Position in lieu of Staff recommendation. Noes: Williams.	No Position
(f) 88: Education Funding. Real Property Parcel Tax. Support of No Position accepted.	No Position
(g) 89: Political Campaigns. Public Financing. Corporate Tax Increase. Campaign Contribution and Expenditure Limits. Support Position accepted. Noes: Williams.	Support
(h) 90: Government Acquisition, Regulation of Private Property Oppose Position accepted. Noes: Cortese.	Oppose

2. **Consideration of actions related to the City's Campaign Ordinance.**

Recommendation: Consideration of various actions related to independent committees including recommendations related to proposed amendments to Chapter 12.06 of the San José Municipal Code and referrals to the Elections Committee to review various provisions of Chapter 12.06 relating to the Municipal Campaign Contributions. (Reed)
(Continued from 10/3/06 – Item 3.8)

Referred to the City Attorney and Elections Commission with the exception of directing the City Attorney to move forward with sending a letter to all independent expenditure committees to give them notice that they must comply with City regulations still in effect.

3. **Consideration of urgency ordinance establishing limits on campaign contributions to Independent Committees.**

Recommendation: Adoption of an urgency ordinance amending Chapter 12.06 of Title 12 of the San José Municipal Code to add Sections 12.06.090 and 12.06.340 to reinstate limits on campaign contributions to independent committees and suspending enforcement of Section 12.06.310. CEQA: Not a Project. (City Attorney's Office)
(Continued from 10/3/06 - Item 3.9)

Urgency ordinance not adopted.

Referred to the City Attorney and Elections Commission for further work. City Attorney to prepare timeline for Rules Committee consideration.

● **Public Comments**

- (1) **Phaedra Ellis-Lamkins, South Bay Labor Council, expressed frustration regarding certain negative comments made about Labor Unions. She asserted that labor complies with campaign regulations and argued that COMPAC has had no repercussions for not complying with the law.**
- (2) **Walter Wilson criticized Mayoral Candidate Chuck Reed.**

● **Adjournment**

The Council of the City of San José convened at 9:00 p.m. in memory of Alena Wilcoxon, a long time San José resident and San José East/Evergreen Rotarian who served the community for years through programs such as Tapestry and Talent.

● **Closed Session – The City Council convened at 9:04 p.m. in Room W133 in Closed Session immediately following the Public Session/Special Meeting to discuss:**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
PURSUANT TO GOVERNMENT CODE SECTION 54956.9 subsection (a):**

City of San Jose, et al. v. County of Santa Clara, et al.
City of Santa Clara v. City of San Jose, et al.